



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD) (PD) Nos.823 and 824 of 2011
and
M.P. (MD) No.1 of 2011

Gnana David : Petitioner/1st Respondent/
1st Defendant in both cases

vs.

1.John Sathya Yobu : Respondent/Petitioner/Plaintiff
2.Selvin Rajarathinam
3.Selvin Rathinaraj : Respondent/2nd & 3rd Respondents/
2nd & 3rd Defendant
in both cases

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.311 and 437 of 2010 in O.S.No.163 of 2003 on the file of the Principal District Munsif Court, Valliyoor, dated 04.02.2011.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.A.Arumugam
(in both cases)

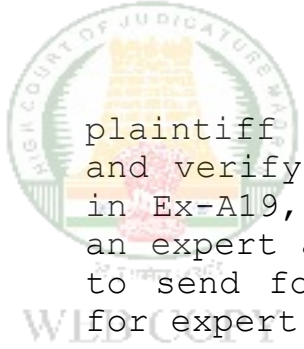
COMMON ORDER

These Civil Revision Petitions are directed against the order passed in I.A.Nos.311 and 437 of 2010 in O.S.No.163 of 2003 on the file of the Principal District Munsif Court, Valliyoor, dated 04.02.2011.

2.The first respondent, as plaintiff, filed the suit O.S.No.163 of 2003 for declaration of his 1/3 share in the suit property and for a declaration that the sale deed in favour of the first defendant in the suit is invalid and not binding on the plaintiff and for consequential injunction restraining the first defendant from dealing with the suit property.

<https://hcservices.ecourts.gov.in/hcservices/>

3.During the pendency of the suit, the first respondent/



plaintiff filed an application in I.A.No.311 of 2010 to compare and verify the signature and thumb impression of one G.Packiathai in Ex-A19, Ex-27 to Ex-31, Ex-X1 to Ex-X3 with Ex-B2 and Ex-B3 by an expert and also filed another application in I.A.No.437 of 2010 to send for certain documents to the Forensic Science Laboratory for expert opinion.

4.The lower Court has allowed both the applications and directed that the comparison should be confined to the thumb impression. Aggrieved by the same, the first defendant in the suit has preferred the above Civil Revision Petitions.

5.Before the lower Court and also before this Court, the petitioner has objected to the petitions filed by the first respondent/plaintiff only on the ground of delay. Though the objection was raised by the revision petitioner with regard to certain documents, stating that the signatures in those documents are not admitted, the lower Court has considered the said aspect and granted the relief to compare the documents containing the admitted signature found in Ex-B1 and Ex-B4 alone. In such circumstances, the grievance of the petitioner before the lower Court had already been considered.

6.Having regard to the fact that the revision petitioner has not raised any other valid ground in these revision petitions to substantiate his case, this Court is not inclined to entertain these petitions. Accordingly, these revision petitions are dismissed. The common order passed in I.A.Nos.311 and 437 of 2010 in O.S.No.163 of 2003 by the learned Principal District Munsif, Valliyoor, dated 04.02.2011, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Munsif, Valliyoor.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-76815[F] dated 23/07/2019)

+1 CC to M/s.A.ARUMUGAM, Advocate (SR-77337[F] dated 24/07/2019)

C.R.P. (MD) (PD) Nos.823 and 824 of 2011

22.07.2019